

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR-18-86-GF-BMM

Plaintiff,

vs.

ROBERT DEAN SPEARSON,

ORDER

Defendant.

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on November 18, 2020. (Doc. 50.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on November 17, 2020. (Doc. 46.) The United States accused Spearson of violating his conditions of

supervised release 1) by failing to notify his probation officer of a change in residence; and 2) by committing another crime. (Doc. 43.)

At the revocation hearing, Spearson admitted that he had violated the conditions of his supervised release 1) by failing to notify his probation officer of a change in residence. (Doc. 46.) The government failed to satisfy its burden of proof with respect to alleged violation 2. Judge Johnston found that the violation Spearson admitted proved to be serious and warranted revocation, and recommended that Spearson receive a custodial sentence of 5 months of custody with 24 months supervised release to follow. Spearson was advised of the 14 day objection period and his right to allocute before the undersigned. (Doc. 46.)

The violation proves serious and warrants revocation of Spearson's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 50) are **ADOPTED IN FULL**. **IT IS FURTHER ORDERED** that Defendant Robert Dean Spearson be sentenced to a period of 5 months custody with 24 months supervised release to follow.

DATED this 3rd day of December, 2020.

A handwritten signature in blue ink, appearing to read "Brian Morris".

Brian Morris, Chief District Judge
United States District Court

